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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,584	11/26/2003	Toshiyuki Hosaka	9319S-000582	7607
27572 7590 08/06/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER YOO, JASSON H	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/723,584

Applicant(s)

HOSAKA, TOSHIYUKI

Examiner

Jasson H. Yoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicant's Amendment filed on 4/24/07.

Claims 1-8 are currently pending.

### ***Information Disclosure Statement***

Applicant notes that Applicant's Information Disclosure Statement of November 26, 2003 included Japanese references with translation documents. However the Japanese references were not considered because the translated documents have not been provided.

### ***Claim Objections***

Claims 7 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 depends from claim 4, and claim 4 is directed towards a display control device while claim 7 is directed towards a game machine including the display control device. Claim 7 does not limit the control device of claim 4, but rather limits a game device. Therefore Claim 7 is an improper dependent claim. Claim 8 is a dependent claim of the improper dependent claim 7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodachi et al. (US 6,142,875) in view of Okada et al (US 2002/0155891).

Claim 1. Kodachi discloses a gaming machine that displays a plurality of symbols to form a symbol combination. The gaming machine also displays a graphical image this is dependent upon the displayed symbols (see abstract). More specifically, Kodachi discloses a pachinko game machine (col. 1:13-14) that displays a plurality of varying numbers (cols. 5:16-20, 13:21-31, Fig. 11) to provide a win combination ("big hit", col. 1:22-37). During the reach state of the game, the game machine displays a number and a graphical image (cols. 1:38-49, 2:19-31, 2:48-55, 3:26-31, 3:65-4:54, Figs. 5-6, 7, 24-25). A win state is reached if the game machine displays a number that corresponds to a win combination (2c in Figs. 26-27). During the win-state, a graphical image is displayed along with the displayed number to indicate a "big hit" (Figs. 6-7, 26-27). If the displayed number does not correspond to a win combination, the game results in a no win state, and does not display a big hit image (col. 14:8-17, Fig. 13). The graphical image is displayed separately at different location son the display portion of the game machine (Figs. 24-27). Kodachi discloses the claimed invention but fails to

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specifically teach the images are advertising images. Nevertheless, it is well known in the art to use advertising images in gaming devices. In an analogous art to gaming devices that displays images and symbol combinations, Okada discloses a gaming machine that discloses advertising images. Okada discloses advertisements (13 in Fig. 15) are based on the symbol patterns of the game and are displayed separately at different locations on the display portion of the game machine (Fig. 15). Providing advertising images allows third parties such gaming sponsors to advertise their products and services. Therefore it would have been obvious to one of ordinary skilled at the time the invention was made to modify Kodachi's gaming device and incorporate Okada's advertising images in order to advertise the products and services of the game sponsors.

Claim 2. Kodachi in view of Okada discloses the advertising images have at least one advertisement contents and display features different from each other (Kodachi, Figs. 3, 8-9, 12-13, 24-27, 29-35, 52; Okada, Fig. 4).

Claim 3. Kodachi in view of Okada discloses the advertising image is contained in the display image based on advertising image data obtained through a communication network to display the advertising image on the display portion (Okada, Fig. 4).

Claims 4 and 7. Kodachi discloses a display control device to perform the method of claim 1 as shown in Fig. 4. More specifically, Kodachi discloses the control device of the gaming machine comprising a ROM 50c to store information corresponding to the display symbols and display images. It is well known in the art that a single memory is composed of memory cells, which correspond to any number of memories. Furthermore, Okada discloses separate and distinct memory in a network environment; the first memory for storing production pattern data concerning a production pattern of a display image (game info database 2d in Figs. 2 and 3, and paragraph 69-70), the second memory for storing display image data concerning the display image (distribution in database 2f in Fig. 2 provides information to be displayed at the terminal 6, paragraphs 74, 98), and the third memory for storing advertising image data concerning advertising images (2i or 2e in Figs. 2 or ad server 3 in Figs. 1-2).

Claim 5, Kodachi in view of Okada discloses the third memory section stores the advertising image data concerning advertising images having at least one of advertisement contents and display features different from each other (As discussed above, Kodachi discloses a memory cell to store images that are different from each other. Okada teaches advertisement information consist of image information such as characters, figures and pictures, paragraph 72), and

The controller reads the advertising image data corresponding to the result of a lot drawing from the third memory section to display the advertising images on the

display device of the game machine by containing the advertising images in the display image based on the advertising image data (Kodachi, col. 10:26-33, Okatada, paragraphs 99-103 and Figs. 1-2).

Claim 6. Kodachi in view of Okada discloses a receiver for receiving the advertising image data through a communication network, wherein the controller stores data received by the receiver in the third memory as the advertising image data concerning advertising images (Okada, 2a and 2b in Fig. 2).

Claim 8. Kodachi in view of Okada discloses the images on the display portion are displayed by projection light from a rear surface of the display portion (The LCD display 2 in Fig. 2 of Kodachi inherently projects light from a rear surface of the display portion to display images).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY



XUAN M. THAI  
SUPERVISORY PATENT EXAMINER  
TC3700